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**west virginia** department of environmental protection

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Division of Mining and Reclamation  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345  
Phone: (304) 926-0490  
Fax: (304) 926-0456

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

**JUN 21 2016**

BLUESTONE COAL CORPORATION  
100 CRANBERRY CR DR  
PO BOX 1085  
BECKLEY, WV 25801

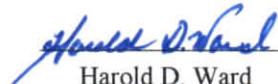
**RE: WV/NPDES Permit No. WV1006304**  
**NPDES Modification No. 16, Major**  
Associated Permits: S007282

**Letter of Addendum**

Dear Permittee:

Your current request to modify the above referenced Permit is hereby approved. The Permit is hereby modified in accordance with the modification application received on September 03, 2015 that outlines the:  
request to revise the selenium compliance schedule for Outlets 004, 005, 006, 007.

Be aware that all other terms and conditions of the permit shall remain in full force and effect. Attach this letter to your permit and insert any attached pages that may be provided.

  
\_\_\_\_\_  
Harold D. Ward  
Acting Director

cc: Environmental Inspector - (Sesto Punturi)  
Permit Writer - (Brenda Cline)  
Regional Office File  
Headquarters NPDES File

Promoting a healthy environment.

**PLAINTIFFS' EXHIBIT E**

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

**2. EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS			
							Quan/ Conc	Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
004	L	37°14'13" 81°33'38"	2052	Flow	05/06/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				Specific Conductance	03/12/2014		Conc	Report Only	Report Only	Report Only	UMHO/CM	Semi-monthly	Grab
				pH	05/06/2005		Conc	6.00	N/A	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	05/06/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	05/06/2005		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit	Grab
				Total Sulfates (as SO4)	03/12/2014		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
				Selenium, Total Recoverable	06/21/2016	06/21/2018	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
				Iron, Total (as Fe)	06/22/2018		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				Manganese, Total (as Mn)	05/06/2005		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly	Grab
				Aluminum, Total (as Al)	02/19/2009		Conc	Report Only	2.00	3.47	MG/L	Semi-monthly	Grab
				Aluminum, Diss. (as Al)	02/19/2009		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly	Grab
				Total Dissolved Solids (TDS)	05/06/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
					03/12/2014		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
(See 3, 4)													

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								Min. Daily	Avg. Monthly	Max. Daily		Measurement Freq.	Sample Type
005	L	37°12'49" 81°33'05"	1855	Flow	05/06/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				Specific Conductance	03/12/2014		Conc	Report Only	Report Only	Report Only	UMHO/CM	Semi-monthly	Grab
				pH	05/06/2005		Conc	6.00	N/A	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	05/06/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	05/06/2005		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit	Grab
				Total Sulfates (as SO4)	03/12/2014		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
				Selenium, Total Recoverable	06/21/2016	06/21/2018	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
				Iron, Total (as Fe)	06/22/2018		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
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								Min. Daily	Avg. Monthly	Max. Daily		Measurement Freq.	Sample Type
006	L	37°13'58" 81°34'03"	2034	Flow	05/06/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				Specific Conductance	03/12/2014		Conc	Report Only	Report Only	Report Only	UMHO/CM	Semi-monthly	Grab
				pH	05/06/2005		Conc	6.00	N/A	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	05/06/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	05/06/2005		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit	Grab
				Total Sulfates (as SO <sub>4</sub> )	03/12/2014		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
				Selenium, Total Recoverable	06/21/2016	06/21/2018	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
				Iron, Total (as Fe)	06/22/2018		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
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				Aluminum, Total (as Al)	02/19/2009		Conc	Report Only	2.00	3.47	MG/L	Semi-monthly	Grab
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				Total Dissolved Solids (TDS)	05/06/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
					03/12/2014		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab

(See 3, 4)

**1. The permittee is authorized to discharge from Outlet Number(s) listed below:**

[illegible]

**PLAINTIFFS' EXHIBIT E**

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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
008	L	37°13'27" 81°34'21"	1984	Flow	05/06/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated
				Specific Conductance	03/12/2014		Conc	Report Only	Report Only	Report Only	UMHO/CM	Semi-monthly	Grab
				pH	05/06/2005		Conc	6.00	N/A	9.00	Std Units	Semi-monthly	Grab
				Total Suspended Solids	05/06/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab
				Settleable Solids	05/06/2005		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit	Grab
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				Selenium, Total Recoverable	06/21/2016	06/21/2018	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly	Grab
				Iron, Total (as Fe)	06/22/2018		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly	Grab
				Manganese, Total (as Mn)	05/06/2005		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly	Grab
				Aluminum, Total (as Al)	02/19/2009		Conc	Report Only	2.00	3.47	MG/L	Semi-monthly	Grab
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				Total Dissolved Solids (TDS)	05/06/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab
	03/12/2014		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab				
		(See 3, 4)											

PLAINTIFFS' EXHIBIT E

(See 3, 4)

DMM-5A

Permit No. WV1006304

**B. SCHEDULE OF COMPLIANCE (SELENIUM)**

1. The permittee shall achieve compliance with the following interim requirements with the discharge limitations specified in this permit in accordance with the following schedule. The Se compliance schedule will be for outlet(s) 004, 005, 006, 007 and 008.

a. Permittee shall continue to monitor all applicable outlets for Selenium concentration.	Ongoing
b. Permittee shall submit a Progress Reports each calendar quarter (March, June, September, December)	Quarterly
c. Permittee shall complete analyses of water chemistry to determine among other things, the predominant form of selenium, dissolved Oxygen and other parameters of concern in designing a treatment system.	As soon as possible, but no later than six (6) months after issuance of this modification.
d. Permittee shall complete final design and engineering for selected treatment technology. Submit all necessary permit revisions to WV DEP.	As soon as possible but no later than nine (9) months after issuance of this modification.
e. Permittee shall complete the design and begin construction of selected treatment system.	As soon as possible but no later than twelve (12) months after issuance of this modification.
f. Permittee shall complete installation or construction of the selenium treatment system.	As soon as possible but No later than twenty-one (21) months after issuance of this modification.
g. Permittee shall achieve compliance with the final selenium effluent limitations.	As soon as possible but no later than twenty-four (24) months after issuance of this modification.

DMM-5-A

PERMIT NO. WV1006304

2. Reports of compliance or non-compliance with, and progress reports on the interim and final requirements contained in the above compliance schedule shall be submitted no later than fourteen (14) days following each schedule date. Reports must be mailed to: the DEP Inspector, the DEP Regional Office NPDES Supervisor and to DEP Headquarters (Attn: Jeff Parsons, Division of Mining and Reclamation, 601 57th Street SE, Charleston WV 25304).



**RIGHT TO APPEAL**

Notice is hereby given of your right to appeal the terms and conditions of this agency action as provided under West Virginia Code § 22-11-21. Pursuant to the provisions of § 22B-1-7(c), a person subject to this action (permittee) may file an appeal to the Environmental Quality Board (EQB) within 30 days of being served notice of such agency action.

For other parties (citizens) adversely affected or aggrieved by this action, an appeal may be filed to the EQB within 30 days after the date upon which service was complete to the subject person "(permittee)". Such Notice of Appeal shall be sent to the EQB on the form prescribed by the Board.

West Virginia Environmental Quality Board  
601 57th Street, SE  
Charleston, West Virginia 25304

RATIONALE PAGE

NPDES Number: WV1006304 (NPM-16-Major) County: Mcdowell

Company Name: BLUESTONE COAL CORPORATION

Facility Name: Red Fox Surface Mine

SMA/Permit No.: S007282

Other Apps:

Date of Draft: 02/22/2016

Permit Writer: Brenda Cline

Region: Oak Hill

1. New or expanded discharge? NO
2. Facility eligible for General Permit? YES
3. Basis for effluent limitation:

## A. Determine uses of each receiving stream.

Stream UsesStream Name

B. Parameters of concern: YES pH YES Fe YES Mn  
YES Al (D) YES Al (T) YES Others

Specify Others: Selenium

C. Justification Review: Bluestone Coal Corporation submitted an e-permitting application NPM #16 WV1006304 September 03, 2015 requesting to revise their selenium compliance schedule for Outlets 004, 005, 006, 007 and 008. The compliance schedule will allow 24 months from the time of approval to have the system construction and final selenium limits to be in compliances. The compliance schedule has been made part of the permit and all requirements must be met for each part of the schedule. An in-depth narrative has been made part of the application submitted by Bluestone as to why this revise is necessary.

## 4. Types of effluent limitations:

## Technology Based Outlets (0):

Water Quality Based Outlets (36): 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 033, 034, 035, 036, 037, 038, 039, 040, 041, 043, 044, 045, 046, 047, 048, 049

Best Professional Judgement Based Outlets (0):

Special Outlets (0):

Ammonia Outlets (0):

Sewage Outlets (0):

Additional Comments: N/A

5. Special Conditions or other monitoring requirements:

Stream Monitoring: DJF, DSHC16, UJF, USHC10, USRF01, USUTHC

Groundwater Monitoring:

6. Does the application contain:

Valley fills/refuse?

N/A

In Ephemeral Streams?

N/A

In Intermittent/Perennial Streams?

N/A

## Public Notice Archives

## DEP Enhanced Mailing List - View List Message

This Message was sent out on Friday, March 11, 2016 @ 09:17 AM

**From:** dep.online@wv.gov  
**Subject:** DEP Public Notice - HPU - McDowell County - BLUESTONE COAL CORPORATION - Permit WV1006304 Modification, NPDES No. 16

Notice of Comment Period  
West Virginia Department of Environmental Protection

This mailing is to advise the public that we have received an application for modification of an Article 11/West Virginia National Pollutant Discharge Elimination permit WV1006304 for BLUESTONE COAL CORPORATION, 100 CRANBERRY CR DR PO BOX 1085, BECKLEY, WV 25801, in order to request to revise the selenium compliance schedule for Outlets 004, 005, 006, 007.

The permit is located in McDowell County, Longitude 81° 33' 2.0000" Latitude 37° 13' 40.0000" (Coordinates from USGS Topographic Map). The operation will discharge into unnamed tributary of HORSEPEN CK of TUG FK of BIG SANDY RV and unnamed tributary of JACOB FK of TUG FK of BIG SANDY RV and unnamed tributary of BIG CK/JACOB FK of TUG FK of BIG SANDY RV.

The Department of Environmental Protection is seeking information on private surface water intakes for human consumption located in the above listed receiving streams and located down stream of this operation. Please provide your name, phone number, mailing address, the name of the stream with the intake, and the physical location of the intake. This information needs to be submitted to the address below.

An anti-degradation review has been conducted. Tier 1 protection is afforded because effluent limitations ensure compliance with water quality criteria for all designated uses. Where applicable, Tier 2 protection is also afforded because the agency has made a determination that the discharge (s) will not cause significant degradation to the receiving stream(s) for any parameters of concern.

Please send any comments on the draft permit to the address below, postmarked on or before April 9, 2016 or thirty days from the date of publication, and reference the Article 11/WVNPDES permit number shown above. A copy of the application, draft permit and fact sheet (if required) will be available for inspection and obtaining copies during normal business hours at the DEP Regional Office located at the address below. Comments may include a request for a public hearing. If a hearing is requested the comment must state the nature of the issues proposed to be raised in the hearing. A hearing may be held if DEP finds a significant degree of public interest, or if the hearing would clarify issues.

DEP Regional Office  
254 Industrial Drive  
Oak Hill, WV 25901-6102  
Phone: (304) 465-1911  
Fax: (304) 465-0031

To view Application Activity Details, click on the following link, or copy and paste it into your browser:

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